

SECTION 504 OF THE REHABILITATION ACT OF 1973

INFORMATION FOR PARENTS



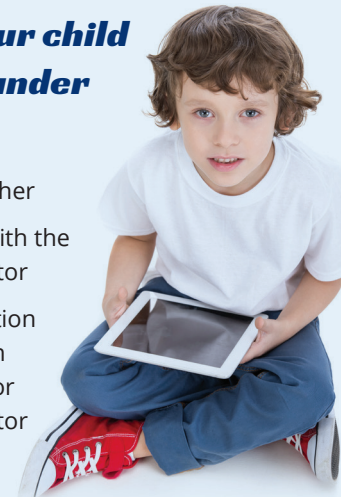
RIGHTS GRANTED UNDER SECTION 504 INCLUDE THE RIGHT TO:

- Have your child receive a free and appropriate education
- Have your child take part in, and receive benefits from, a public education without discrimination because of his or her disabling condition
- Have your child educated in general education settings with non-disabled peers, with appropriate accommodations
- Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District
- Receive notice with respect to the identification, evaluation or placement of your child
- Examine all relevant records relating to decisions regarding your child's identification, evaluation and placement
- Have evaluation, educational and placement decisions based on a variety of information sources and made by people who know the student and who are knowledgeable about the evaluation data and placement options
- Have the district advise you of your rights under federal law
- Have processes to achieve resolution to requests, questions and concerns



If you believe your child has a disability under Section 504...

- Inform your child's teacher
- Discuss your concern with the School Equity Coordinator
- Obtain further information about **Section 504** from **www.LeeSchools.net** or School Equity Coordinator



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WHAT IS SECTION 504?

The Rehabilitation Act of 1973 is a civil rights legislative act that protects the rights of persons with disabilities. **Section 504** provides that “no otherwise qualified individuals with disabilities in the United States....shall solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Under **Section 504**, school districts have the responsibility to identify, evaluate and afford access to appropriate educational services and procedural safeguards for these individuals.

Q: How does Section 504 define “disability?”

A: Section 504 defines a disabled individual as a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities OR
- Has a record of such impairment OR
- Is regarded as having such an impairment.

The definition does not set forth a list of specific conditions. The key factor is whether the physical or mental impairment results in a substantial limitation of one or more major life activities. Major life activities include but are not limited to learning, walking, seeing, hearing, caring for oneself, breathing, talking and concentrating.

An impairment that is episodic or in remission is considered a disability if it would substantially limit a major life activity when active. Likewise, school districts must not consider the ameliorating effects of any mitigating measures that a student is using when determining whether a student has a physical or mental impairment that substantially limits a major life activity.

Q: Does a medical diagnosis mean automatic 504 eligibility?

A: No. A physician’s medical diagnosis may be very helpful in the consideration and evaluation of an impairment that substantially limits a major life activity. However, **Section 504** requires school districts to draw upon multiple sources of data in the evaluation for eligibility and accommodations.

Q: Can a student have protections only (without accommodations) under Section 504?

A: Yes. Individuals who are regarded as having a physical or mental impairment when in fact such an impairment may or may not actually exist are protected from discrimination under **Section 504**. These protections include:

- **Manifestation Determination Review (MDR):** due process provided before a final determination of a change of placement as the result of a disciplinary action
- **Notice of Rights** (procedural safeguards under 504): a list of rights afforded to the parent under **Section 504**
- **Periodic Reevaluations (as needed):** examination of information related to the eligibility and accommodation of a student under **Section 504**
- **Nondiscrimination Protections of Section 504:** requirement of the school to provide an equitable educational experience for a student found eligible under **Section 504**

Q: What is the difference between Section 504 and the Individuals with Disabilities Education Act (IDEA)?

A: Section 504 requires reasonable accommodations to ensure nondiscrimination against students with disabilities in the regular education setting. IDEA requires specialized instruction and/or related services for students found eligible, provided in regular and/or specialized settings.

Q: Does Section 504 require evaluations?

A: If there is a reason to believe that because of a qualifying disability, a student needs protection and/or accommodation, the school district must evaluate to determine eligibility and needed accommodations. The 504 Committee shall consider all relevant information on the student to determine if he or she meets eligibility under **Section 504**. Relevant information may include school records, medical records, interviews, classwork, observations, screenings and ratings scales.

Q: What does “reasonable accommodation” mean?

A: Schools shall make accommodations to the known physical or mental limitations of an otherwise qualified student which would enable the student to participate successfully in the regular school program. The decision regarding accommodations must be based upon information drawn from a variety of sources and is made by a group of persons knowledgeable about the student and the suspected disability.

Courts have required accommodations, which achieve “meaningful equal opportunity.” Accommodations need to take into consideration both the functional limitations of the individual and the alternative methods of performing tasks or activities without modification of the curriculum standards. Some examples of reasonable accommodations include preferential seating and extended time.